

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:10-MJ-1172

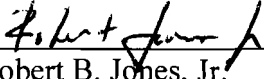
UNITED STATES OF AMERICA)	
)	
v.)	
)	O R D E R
GENARO FLORES)	
a/k/a Carlos Perez Diaz,)	
)	
Defendant.)	

This cause was heard on August 31, 2010, on Defendant's Preliminary Examination. The Government was represented by an Assistant United States Attorney and Defendant was present and represented by counsel. An interpreter was also present. The Government presented the testimony of Immigration and Customs Enforcement agent Tom Swivel. Defendant presented no evidence. Defendant is charged with knowingly and intentionally conspiring to distribute and possess with the intent to distribute five (5) kilograms or more of cocaine, in violation of 21 U.S.C. § 841(a)(1) and 846.

During the hearing in this matter the Government failed to present reliable evidence connecting Defendant to any quantity of cocaine. Specifically, the Government relied almost entirely upon statements made by cooperating Defendants to law enforcement officials that Defendant was a leader of a drug trafficking organization in southeastern North Carolina. These statements however were not corroborated either by the failure of law enforcement to investigate the claims that Defendant was involved in drug trafficking or, if investigated, such investigation failed to reveal Defendant's involvement in drug trafficking. Accordingly, there is no probable cause at this time to believe that Defendant committed the crimes contained in the criminal complaint. Therefore, it is hereby ordered that those charges be DISMISSED.

Based on this conclusion, the Government's motion for pre-trial detention pursuant to 18 U.S.C. § 1342(f) is DENIED as MOOT.

SO ORDERED, this the 1st day of September, 2010.



Robert B. Jones, Jr.
United States Magistrate Judge